UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

DUNKIN' DONUTS FRANCHISING LLC et al., Plaintiffs,	Civil Action No. 15-10 (SRC)
v.	**ORDER**
KAMLESH PATEL et al., Defendants.	

CHESLER, U.S.D.J.

This matter comes before the Court on the application by Plaintiffs DD IP Holder LLC, BR IP Holder LLC, DB Real Estate Assets I LLC, Dunkin' Donuts Franchising LLC, and Baskin-Robbins Franchising LLC (collectively, "Plaintiffs") for an order to show cause, seeking to bring on a hearing on a preliminary injunction motion on an expedited basis, as well as a temporary restraining order. Plaintiffs' application for an order to show cause with temporary restraints must be denied because they have failed to persuade that the requirements of L. CIV. R. 65.1(a) have been met. That Rule provision states: "No order to show cause to bring on a matter for hearing will be granted except on a clear and specific showing by affidavit or verified pleading of good and sufficient reasons why a procedure other than by notice of motion is necessary." Plaintiffs' submissions do not offer a sufficient reason why a procedure other than by notice of motion is necessary. Because Plaintiffs have not shown that these circumstances justify receiving the expedited treatment appropriate for applications for emergency relief, the application must be denied.

In brief, this case concerns alleged fraudulent transfers made to frustrate a judgment.

Plaintiffs seek to restrain future fraudulent transfers, but have not identified any assets presently at risk. Rather, the materials submitted in support of this application indicate that the assets have already been transferred. There is no support for an inference that any relevant assets are at risk of transfer such that emergent relief is needed. The application for an order to show cause will be denied without prejudice. Should Plaintiffs obtain evidence of assets at risk of fraudulent transfer, they may renew their application. Furthermore, Plaintiffs' application for a preliminary injunction shall remain on the docket and shall proceed as an ordinary motion on notice.

For these reasons,

IT IS on this 5th day of January, 2015 hereby

ORDERED that Plaintiffs' application for an order to show cause with temporary restraints is **DENIED** without prejudice; and it is further

ORDERED that Plaintiff's motion for a preliminary injunction shall proceed as an ordinary motion on notice.

s/ Stanley R. Chesler
Stanley R. Chesler, U.S.D.J.